

REMARKS

New claim 73 has been added. Claims 1-3, 71 and 73 are pending in the present application. Reexamination and allowance of the pending claims are respectfully requested.

Claims 1-4 and 71-71 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. Des. 341,407 to McLeese ("McLeese") in view of U.S. Patent No. 5,592,961 to Chin ("Chin"). Claims 1-4 and 71 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. Des. 341,407 to McLeese ("McLeese") in view of U.S. Patent No. 5,778,915 to Zheng ("Zheng '915"). These rejections are respectfully traversed.

Applicant has already explained in great detail on pages 3-5 of the April 1, 2004 Amendment, and pages 5-7 of the October 3, 2003 Amendment, why these rejections are incorrect, so Applicant shall not repeat these arguments. In summary, it appears that the Examiner is selecting the various limitations of claim 1 in piecemeal fashion from different prior art references in order to sustain the rejections. However, Applicant respectfully submits that this constitutes impermissible hindsight reconstruction, and fails to consider exactly what the skilled person would be thinking when this person considers the cited references side-by-side.

Turning now to the Examiner's comments on page 6 of the present Office Action, the Examiner stated that "the interconnecting pieces (H) of McLeese's structure are broadly considered to be coupled to the end edges of a curved edge of the panel" [emphasis added]. In light of this comment, Applicant has added **new claim 73** which recites that each of the first end edge and the second end edge has a straight portion, with the interconnecting fabric pieces coupling the sleeve at the straight portion of the end edges of the second panel to the sleeve of the first panel. This further distinguishes the claimed invention from McLeese because:

1. the upper panel (E) in McLeese does not have end edges with straight portions (the Examiner acknowledges that the end edges in McLeese's upper panel (E) are curved); and
2. the interconnecting pieces (H) in McLeese are only attached to curved portions of the upper panel (E), and not to any straight portions of the upper panel (E). In fact, the upper panel (E) does not appear to have any straight portions. This is best seen in FIG. 4 of McLeese.

Thus, Applicant respectfully submits that claim 73 defines additional patentable subject matter in addition to the patentable subject matter in claim 1.

Claim 1 has been rejected based on McLeese for at least six times, even after Applicant has attempted numerous different amendments. Applicant believes that claim 1, as it is currently written, properly distinguishes over McLeese, Chin and Zheng '915. However, the Examiner does not believe that these many amendments are sufficient to distinguish McLeese, Chin and Zheng '915. Unfortunately, other than the new claim 73 described above, Applicant has no other ideas for advancing the prosecution of this case.

Therefore, Applicant respectfully requests that the Examiner either allow the pending claims, or provide some suggestions as to what the Examiner believes would be necessary to get these claims allowed. If the Examiner continues to reject the pending claims without offering any suggestions, then Applicant will have no choice but to file a Notice of Appeal in response to the next Office Action.

Respectfully Submitted,



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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Date: November 8, 2004

By:


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